

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE EXAMINING GROUP 3694**

Attorney Docket No. 9400-386 (00392)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: A. Chet McQuaide et al.
Serial No.: 10/090,180
Filed: March 4, 2002
For: CREDIT CARD MESSENGER

Confirmation No.: 4756
Examiner: I. Jung Liu
Group Art Unit: 3694

August 19, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated May 28, 2009 at least twice rejecting or finally rejecting claims 1-2, 6-11 and 13-18.

- ☒ The Director is authorized to charge our Deposit Account No. 50-0220 in the amount of \$540.00 for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1).
- ☐ Please first reapply any previously paid notice of appeal fee and appeal brief.
- ☐ Payment by credit card is requested. Form PTO-2038 is attached.
- ☐ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.
- ☐ Also enclosed: _____
- ☒ The Director is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 19, 2009.

Signature: _____


Anthony DeRosa